



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

July 9, 2023

BY ECF AND EMAIL

The Honorable Katherine Polk Failla
United States District Judge
Southern District of New York
New York, New York 10007

MEMO ENDORSED

Re: *United States v. Frank Bright, 18 Cr. 56 (KPF)*
United States v. Frank Bright, 23 Civ. 4524 (KPF)

Dear Judge Failla:

The Government writes to respectfully request that the Court, in accordance with its June 1, 2023 order, dismiss with prejudice the defendant's motion to set aside his sentence. (Cr. Doc. No. 152; Civ. Doc. No. 3). In its order, the Court directed the defendant to return a signed and notarized authorization form "within thirty (30) days from the date of this Order." *Id.* at 2. The Court's order states: "If the Court does not receive this form, signed by you and notarized, within those thirty (30) days, the Court will automatically deny your motion." *Id.* As of July 9, 2023, there is no indication on either the criminal or civil docket that the defendant has complied with the Court's order. Accordingly, the Court should dismiss with prejudice the defendant's motion to set aside his sentence.

Respectfully submitted,

DAMIAN WILLIAMS
United States Attorney

By:

Justin V. Rodriguez
Assistant United States Attorney
Southern District of New York

cc: Frank Bright
69752-066
F.C.I. Hazelton
P.O. Box 5000
Brucetown, WV 26525

The Court is in receipt of the Government's above motion to dismiss Mr. Bright's pending motion to set aside his sentence. The Government is technically correct that Mr. Bright has not returned his waiver of attorney-client privilege by the July 5, 2023 deadline proscribed by the Court's June 1, 2023 Order. (See Dkt. #152). But only a few days have passed since that deadline, and it is possible that Mr. Bright timely mailed his submission and the Court has not yet received it. To account for that possibility, and in recognition of Mr. Bright's pro se status and the fact of his incarceration, the Court will not dismiss Mr. Bright's petition at this time. The Government's application is DENIED without prejudice as to its renewal after **July 19, 2023**.

The Clerk of Court is directed to terminate the motion at docket entry 154. The Clerk of Court is further directed to mail a copy of this endorsement to Mr. Bright at the following address:

Frank Bright
69752-066
FCI Hazelton
P.O. Box 5000
Brucetown, WV 26525

Dated: July 10, 2023
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE